

REMARKS

Claim 1-42, 45-101 and 103-113 are pending in the present application. In a final Office Action dated August 19, 2003, the Examiner rejected the pending claims under 35 U.S.C. § 103(a) as being unpatentable over James (US 6069310) in view of Lin et al. (US 6366791).

Applicants are herewith submitting a Request for Continued Examination under 37 C.F.R. § 1.114 with this Amendment as the submission. With entry of this Amendment, Applicants amend claims 1-5, 7-11, 13-17, 19-23, 25-29, 31-35, 37, 39, 41, 42, 49, 54-59, 61-65, 67, 69, 71-75, 77-81, 83, 85, 87-91, 93-101 and 105-113.

Applicants note with appreciation the Examiner's courtesy during a telephone interview on December 18, 2003. As discussed during the interview, the present invention relates generally to connecting an electronic musical instrument to a public communication network. In one embodiment, the electronic musical instrument 1 of Fig. 1 transfers music information to a destination electronic musical instrument 7 or database server 6 via a portable telephone terminal 3.

Applicants have amended independent claims 1, 7, 13, 19, 25, 31, 37, 39, 41, 55, 61, 67, 69, 71, 77, 83, 85, 87, 93-101 and 105-113 (and their respective dependent claims) to recite the use of a "portable telephone terminal" for connecting to a public communication network.

James discloses a method for transmitting a musical performance over the Internet to a player piano using personal computers. In Fig. 1, the performance of the originating piano 10 is converted to a MIDI file and stored in computer 100. The computer 100 sends the MIDI file over the Internet to computer 110, which in turn transmits the file to allow the player piano 40 to play the musical performance. James does not disclose transferring music information through a public communication network using a portable telephone terminal.

The Examiner has cited Lin to make up for the deficiencies of James. Lin discloses downloading a ringing tone pattern to a mobile station 20. The Examiner essentially contends that mobile station of Lin can replace the computers 100 and 110 of James.

However, as discussed during the telephone interview, the proposed combination of James and Lin is not proper, because the intended function of James – transferring music to the player piano 40 – is destroyed if the references are combined. The mobile station of Lin is the final destination of the musical data, such as the ringing tone pattern (see, e.g., Col. 2, lines 32-43 of Lin). Lin does not disclose that the mobile station is used to transfer musical data. Thus, if the mobile station of Lin replaces computer 110 of James, the musical data is never transferred to the player piano 40.

Accordingly, Applicants submit that independent claims 1, 7, 13, 19, 25, 31, 37, 39, 41, 55, 61, 67, 69, 71, 77, 83, 85, 87, 93-101 and 105-113 are patentable over James and Lin either alone or in combination. Applicants respectfully submit that claims depending respectively from these independent claims are likewise patentable over the cited references.

Applicants also submit that independent claims 45, 50, 103 and 104 are patentable over James and Lin either alone or in combination. None of these references even suggest remote operations by a mobile wireless terminal set of an electronic musical instrument. Nor does the Examiner's office action cite to any sections disclosing remote operations by a mobile wireless terminal set of an electronic musical instrument.

Applicants also submit that the claims depending respectively from claims 45 and 50 are also patentable over the cited references for at least the reasons set forth above. Applicants note that dependent claims 49 and 54 have been amended to more clearly claim the invention.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-42, 45-101 and 103-111 of the present application are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**
Account No. 03-1952 referencing docket no. 393032020500.

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Respectfully submitted,

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